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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/003,737	11/02/2001	Martin Shiu	23132-011	2708
7590 11/23/2004 MINTZ, LEVIN, COHN, FERRIS, GLOVSKY and POPEO, P.C. One Financial Center Boston, MA 02111			EXAMINER DAS, CHAMELI	
			ART UNIT	PAPER NUMBER
			2122	

DATE MAILED: 11/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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**Office Action Summary**

Application No.

10/003,737

Applicant(s) 

SHIU, MARTIN

Examiner

CHAMELI C DAS

Art Unit

2122

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 September 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 November 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

1. This action is in response to the amendment filed on 9/13/04.
2. In view of applicant's remarks, the previous rejection made in the earlier office action is hereby withdrawn.
3. Claims 1-11 are rejected under 35 USC 102 (b) as being anticipated by Gudmundson et al, US 5,680,619.

***Specification***

4. The use of the trademark "Java" has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Gudmundson et al, US 5,680,619.

***As per claim 1, Gudmundson (5,680,619) discloses:***

-storing a first set of object models representing data of an application

(Abstract, lines 21-24, col 50, lines 19-23, col 57, lines 9-15)

- each object model corresponding to a set of basic object type ( Abstract, col 57, lines 2-7, col 44, lines 25-30)
- selecting a subset of service object from ... basic object type (col 12, lines 21-60, col 16 lines 12-18)
- defining a flow process ... service object (col 37 lines 15-30).

***As per claim 2, Gudmundson (5,680,619) discloses:***

- a primitive and object array (col 38, lines 16-54),
- a class (col 13, lines 57-62), where "car" is a class.

***For claim 3,*** (col 13, lines 15-18).

***For claim 4,*** (col 38, lines 16-35).

***For claim 5,*** (col 26, lines 40-50).

***For claim 6,*** (abstract).

***For claim 7,*** (col 12, lines 23-57).

***For claim 8,*** see the rejection of claim 1 above.

***For claim 9,*** (abstract, col 57, lines 1-5).

***For claim 10,*** (col 10, lines 42-45).

***For claim 11,*** see the rejection of claim 1 above.

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**Conclusion**

6. The prior art made or record and not relied upon is considered pertinent to applicant's disclosure.

TITLE: Engineering system for modeling computer programs, US 5325533 A

TITLE: Framework for manufacturing logistics decision support, US 5787283 A

TITLE: System to transition an enterprise to a distributed infrastructure, US 5960200 A

TITLE: System and method of constructing dynamic objects for an application program, US 5995753 A

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chameli C. Das whose telephone number is (571) 272-3696. The examiner can normally be reached on 7-3:30 and examiner's supervisor Tuan Dam can be reached at (571) 272-3695.

An inquiry of general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is 703-305-9600.

*Chameli C. Das*  
**CHAMELI C. DAS**  
**PRIMARY EXAMINER**  
*11/16/09*